

Message Text

PAGE 01 TOKYO 05006 160923Z

15

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-02 /025 W

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P 160844Z APR 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 9461

LIMITED OFFICIAL USE TOKYO 5006

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJ: CIVAIR-PAN AM APRIL 9 SCHEDULE

REF: TOKYO 2662

1. ON APRIL 15 WE RECEIVED FROM FONOFF THE OFFICIAL MOT OPERATING PERMISSION FOR PAN AM'S APRIL 9 SCHEDULE, CONFIRMING ORAL ADVICE GIVEN EARLY APRIL. PERMIT CONTAINS TWO CONDITIONS:

- (1) IT IS EFFECTIVE FOR ONLY TWO MONTHS, I.E., UNTIL JUNE 9;
- (2) PAN IS QTE REQUIRED UNQTE TO PROVIDE CARGO TRAFFIC DATA DURING THE TWO-MONTH PERIOD FOR THE ADDITIONAL ALL-CARGO FLIGHTS BETWEEN JAPAN AND GUAM (FLIGHT 876 ON TUESDAYS AND SATURDAYS AND FLIGHT 877 ON MONDAYS AND FRIDAYS).

2. PAN AN/TOKYO BELIEVES FIRST CONDITION SHOULD BE REJECTED BY USG ON BASIS OF PROVISIONS OF 1M TO AGREED MINUTE WHICH OBLIGATE GOJ TO APPROVE SCHEDULES FOR MINIMUM INITIAL PERIOD OF SIX MONTHS, AFTER WHICH JAPAN CAN REQUEST IMMEDIATE CONSULTATIONS TO DISCUSS ANY PROBLEMS IT MIGHT HAVE WITH RESPECT TO CONTINUED OPERATION OF THE SCHEDULES. PAN AM/TOKYO ALSO BELIEVES SECOND CONDITION SHOULD BE REJECTED BECAUSE IT GOES BEYOND TERMS OF 1959 SUPPLEMENTARY AGREED MINUTE ON EXCHANGE OF TRAFFIC DATA (UNDER WHICH CARRIERS REGULARLY SUBMIT STATISTICS FOR ALTERNATE MONTHS).

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PAGE 02 TOKYO 05006 160923Z

3. JCAB OFFICIAL TOLD EMBOFF INFORMALLY THAT CONDITIONS WERE ATTACHED BECAUSE JCAB IS NOT SATISFIED THAT ADDITIONAL CARGO CAPACITY ON JAPAN-GUAM ROUTE IS JUSTIFIED. OFFICIAL ALSO SAID THAT IN ATTACHING CON-

DITIONS JCAB WAS ACTING UNDER AUTHORITY OF ART 131-3
OF JAPANESE CIVIL AVIATION LAW.

4. EMBASSY RECOMMENDS THAT IT BE AUTHORIZED TO MAKE
FORMAL REPRESENTATION ON THIS ISSUE SINCE JACAB ACTION
APPEARS TO BE INCONSISTENT WITH AGREED MINUTES. WE
ALSO BELIEVE THAT, WITHOUT DISPUTING JCAB'S RIGHT TO
IMPOSE CONDITIONS, WE SHOULD ARGUE THAT ANY SUCH CON-
DITIONS OUGHT TO BE CONSISTENT WITH JAPAN'S INTERNATIONAL
OBLIGATIONS. PLEASE ADVISE.
HODGSON

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Margaret P. Grafeld
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